

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

DEC 16 2002

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEPHEN F. LINDER
and
CRAIG H. MALLERY

Application No. 08/878,978

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on October 21, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

An examination of the file reveals that an Information Disclosure Statement (IDS) was filed June 19, 1997 (Paper No. 4). It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A telephone conversation held on November 8,

Application 08/878,978

2002, between Pamela Bennett, Paralegal Specialist, and attorney Jeannette M. Walder, verified that the copy of the IDS received by the firm was unsigned and undated. A communication notifying appellants of the Primary Examiner's decision is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for consideration of the IDS filed June 19, 1997 (Paper No. 4), appropriate notification to appellants, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



DALE SHAW

Program and Resource Administrator
(703) 308-9797

cc: Ronald Zibelli
Xerox Corporation
Xerox Square 20A
Rochester, NY 14644

DS/psb/lb
RA030074